IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

CALVIN ALPHONSE LEE, :

Plaintiff, :

vs. : CIVIL ACTION 04-00710-BH-B

JUDGE JAMES WOOD,

et al, :

Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is ADOPTED as the opinion of this court. It is ORDERED that Plaintiff's action be dismissed without prejudice for failure to state a claim upon which relief may be granted.

DONE this 27th day of August, 2007.

s/W.B.Hand SENIOR DISTRICT JUDGE